

## Message Text

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ORIGIN EB-11

INFO OCT-01 ARA-16 ISO-00 CAB-09 CIAE-00 COME-00 DODE-00

DOT-00 INR-10 NSAE-00 RSC-01 FAA-00 L-03 /051 R

DRAFTED BY EB/AN:MHSTYLES:TH

APPROVED BY EB/AN:MHSTYLES

ARA/EP - MR. FRECHETTE

CAB - MR. RECTOR

----- 064769

R 062240Z JUN 74

FM SECSTATE WASHDC

TO AMEMBASSY LIMA

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E.O. 11652: N/A

TAGS: ETRN, PE

SUBJECT: CIVAIR - BRANIFF SCHEDULE CHANGES

1. AS EMBASSY AWARE, BRANIFF PROPOSES INCREASE ITS SCHEDULES EFFECTIVE JULY 1. BRANIFF HAS RECEIVED LETTER OF MAY 30 FROM MINISTRY TRANSPORTATION STATING THAT, IN ACCORDANCE PERUVIAN LAWS AND REGS, BRANIFF MUST SUBMIT APPROPRIATE JUSTIFICATION NOT ONLY FOR JULY 1 INCREASE BUT ALSO FOR INCREASE YEAR AGO. BRANIFF REP ALSO TOLD ORALLY THAT BRANIFF MUST PAY 20 PERCENT TAX FOR TRAFFIC ON ALL FIFTH FREEDOM SEGMENTS (INCLUDING NEW FREQUENCIES) OR WORK OUT AGREEMENT WITH AEROPERU HAVING EQUIVALENT ECONOMIC VALUE. GEN. BERCKEMEYER OF DGTA EARLIER TOLD DE MURIAS OF BRANIFF THAT BRANIFF SHOULD WORK SOMETHING OUT WITH AEROPERU, IN LIEU OF TAX, BUT HE DID NOT GIVE IMPRESSION IT HAD TO BE SOMETHING OF EQUIVALENT VALUE. BRANIFF HAD BEEN PURSUING BERCKEMEYER'S SUGGESTION IN FORM OF NORMAL MAINTENANCE AND OTHER ASSISTANCE ARRANGEMENTS FOR AEROPERU.

2. BRANIFF ALSO REPORTS THAT GERMAN AMBASSADOR PROTESTING  
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TO GOP TREATMENT OF LUFTHANSA AND THAT COPY OF NOTE

BEING GIVEN BERCKEMEYER WHO IS (OR WILL BE) IN GERMANY.

3. AT CAB HEARING ON AEROPERU APPLICATION ON MAY 20, WITNESS FOR AEROPERU INDICATED THAT GOP INTENDS TO DISCONTINUE THE FIFTH FREEDOM TAX UPON ISSUANCE OF FOREIGN AIR CARRIER PERMIT TO AEROPERU.

4. EMBASSY REQUESTED MAKE REPRESENTATIONS TO GOP DRAWING ON FOLLOWING AS IT BELIEVES APPROPRIATE.

A. AMENDMENT OF MARCH 2, 1966, TO US-PERU AIR TRANSPORT AGREEMENT OF 1946, PROVIDES, INTER ALIA, THAT SCHEDULES WILL BE SUBMITTED FOR INFORMATION PURPOSES ONLY AND THAT NEITHER GOVERNMENT WILL DELAY OR DENY ENTRY INTO EFFECT OF PROPOSED SCHEDULES (SEE PARAS 1 AND 2 OF NOTE EXCHANGE IN TIAS 6080). REQUIREMENT THAT SCHEDULES BE JUSTIFIED IS INCONSISTENT WITH THESE PROVISIONS, AS WOULD ANY IMPLICATION GOP HAS RIGHT TO DENY SCHEDULES.

B. PURSUANT TO AGREEMENT AND US LAW, FOREIGN AIR CARRIERS ARE NOT REQUIRED EVEN TO FILE THEIR SCHEDULES WITH US AUTHORITIES FOR INFORMATION PURPOSES.

C. CAB IS ACTING EXPEDITIOUSLY ON AEROPERU APPLICATION. APPLICATION RECEIVED APRIL 11, AND HEARING WAS ON MAY 20, WELL IN ADVANCE OF NORMAL PROCESSING TIME. WE WOULD HOPE THIS ATTITUDE BY CAB WOULD BE REFLECTED BY ACTIONS OF GOP CONSISTENT WITH AGREEMENT.

5. IT IS NOT CLEAR TO DEPARTMENT WHETHER PERUVIANS HAVE SPECIFIC MOTIVE FOR HARD LINE THEY APPEAR BE TAKING OR ARE JUST ACTING BUREAUCRATICALLY. IF EMBASSY BELIEVES IT WOULD HELP US GET OVER CRUNCH, IT MIGHT SUGGEST THAT THE SEVERAL ISSUES INVOLVED WOULD APPEAR REQUIRE BILATERAL CONSULTATIONS BETWEEN APPROPRIATE AUTHORITIES EACH SIDE, THAT IT IS NOT FEASIBLE SCHEDULE SUCH TALKS BY JULY 1 AND THAT GOP SHOULD ALLOW SCHEDULE COME INTO EFFECT PENDING CONSULTATIONS. FYI. HOPEFULLY, BY TIME CONSULTATIONS MIGHT BE HELD, AEROPERU'S PERMIT WILL HAVE BEEN ISSUED, WE WILL THEN HAVE SOME LEVERAGE, AND LIMITED OFFICIAL USE

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ISSUES HAVE A GOOD CHANCE OF FADING AWAY. END FYI. ALSO, WHILE WE DO NOT BELIEVE THAT JOINT PRESENTATIONS WITH GERMANS ARE GOOD IDEA, EMBASSY MIGHT FIND OUT WHAT REPRESENTATIONS GERMAN EMBASSY IS ACTUALLY MAKING. KISSINGER

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** CIVIL AVIATION, AIR TRAFFIC, AIRLINES, AIR SCHEDULES, TAX CHANGES, AVIATION AGREEMENTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 06 JUN 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** smithrj  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
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**Original Handling Restrictions:** n/a  
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**Previous Handling Restrictions:** n/a  
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**Status:** NATIVE  
**Subject:** CIVAIR - BRANIFF SCHEDULE CHANGES  
**TAGS:** ETRN, PE, AEROPERU, BRANIFF  
**To:** LIMA  
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